

**AGENDA
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
MAY 10, 2016 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

The Town of Edgewood Planning & Zoning Commission is pleased to have residents of the community take time to attend commission meetings. Attendance and participation is encouraged. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared. Public comments may not be disruptive or harassing, and all persons are expected to maintain respect and decorum. Accordingly, rude, slanderous, or abusive comments and/or boisterous behavior will not be permitted. Written comments are welcome and should be given to the town administrator prior to the start of the meeting.

1. CALL TO ORDER & ROLL CALL.

2. APPROVAL OF AGENDA.

3. APPROVAL OF MINUTES:

A. Draft Planning & Zoning Commission Meeting Minutes of April 5, 2016

4. INTRODUCTION OF LARRY SULLIVAN

5. PUBLIC COMMENT: (Limited to 2 minutes per person)

6. ORGANIZATIONAL MEETING

7. LOT LINE VACATION/REPLAT

A 6 & 8 Marietta Court, Section 28, T10N, R7E, NMPM, Edgewood, Santa Fe County, NM

8. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER.

A. Zone change for 88 Church St, 92A Church St and 92B Church St.

9. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.

10. MATTERS FROM STAFF.

11. RESOLUTION 2016-05 RESOLUTION FOR PLANNING & ZONING COMMISSION

12. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

A. Next Commission Meeting 5/17/16 -Minor Subdivision- Lone Pine Ranch

13. ADJOURN.

A copy of the agenda may be obtained at the Town Office, 1911 Historic Route 66 during regular business hours of 8:00 am - 5:00 pm. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Town Clerk at 505-286-4518 at least one week prior to the meeting or as soon as possible.

**DRAFT MINUTES
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
APRIL 5, 2016 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

1. CALL TO ORDER & ROLL CALL:

Vice Chairman Thompson called the meeting to order at 6:13 pm.
Commissioners present were: Pat Markley, Cheryl Huppertz & Dan Thompson. Also present were: Steve Shepherd, Town Administrator and Bonnie Pettee, Planning & Zoning.

2. APPROVAL OF AGENDA:

MOTION: Commissioner Huppertz made a motion to approve the agenda. Commissioner Markley seconded the motion.

VOTE: Commissioner Huppertz voted aye. Commissioner Markley voted aye. Vice Chairman Thompson voted aye. Motion carried.

3. APPROVAL OF MINUTES:

A. Draft Planning & Zoning Commission Meeting Minutes of March 15, 2016

MOTION: Commissioner Huppertz made a motion to approve the minutes of March 15, 2016 as presented. Commissioner Markley seconded the motion.

VOTE: Commissioner Huppertz voted aye. Commissioner Markley voted aye. Vice Chairman Thompson voted aye. Motion carried.

4. PUBLIC COMMENT: (Limited to 2 minutes per person)

There were none.

5. REQUEST FOR ZONE CHANGE FROM R-1, RESIDENTIAL TO MU-MIXED USE FOR PROPERTY LOCATED AT:

- 92A Church Street: (Tract A .95 acres)
- 92C Church Street: (Tract D .86 acres)
- 88 Church Street: (Tract B .95 acres).

Lands of Gervais and Patricia Williams, Section 27 T10N R7E, Santa Fe County, Edgewood, New Mexico.

Bonnie Pettee presented the Staff Report. She stated this request for MU Mixed Use zoning would allow for the development of higher density residential units or non-residential used to develop small neighborhood type business establishments. Ms. Pettee added the staff believed the MU Mixed Use zoning would be a good transitional zoning for the area with the various zoning surrounding the property. The request would be consistent with the Comprehensive Land Use Plan Goals for Economic Development in that it would identify areas of cluster development of commercial, business, institutional and mixed use

development with direct access to major arterials. Ms. Pettee added the change in zoning to Mixed Use would not impair the value or character of the community. Staff recommends approval of the request to change the three parcels from R1- Residential to MU Mixed Use Zoning. The applicant did not have anything to add to the staff report. There were no questions or further discussion.

MOTION: Commissioner Markley made a motion to forward to Town Council the recommendation of approval of the request for a zone change from R1- Residential to MU Mixed Use for property located at 88 East Church Street, Tract B .95 acres; 92 A East Church Street, Tract A .95 acres; and 92C East Church Street, Tract D.86 acres, Lands of Gervais and Patricia Williams, Section 27 T10N, R7E, Santa Fe County, Edgewood, NM. Commissioner Huppertz seconded the motion.

VOTE: Commissioner Huppertz voted aye. Commissioner Markley voted aye. Vice Chairman Thompson voted aye. The motion carried.

6. FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDED ORDER:

A. Final Plat for Mountain Meadows Subdivision

Steve Shepherd reviewed to Findings of Fact for the Final Plat of Mountain Meadows Subdivision. He noted that previously it had been recorded that Ms. Janelle Turner was sworn in for testimony at the Public Hearing concerning the Preliminary Plat for the project. Mr. Shepherd stated this was not accurate and the section in the Findings of Fact for the Final Plat is an attempt to document and correct this inaccuracy. The final plat was approved by the Commission on March 15, 2016 with no conditions.

MOTION: Commissioner Huppertz made a motion to approve the Findings of Fact, Conclusions of Law and Recommended Order for the Final Plat for property located at East High Meadow Loop, Mountain Meadows Subdivision, Unit 2 Being Tract C-5-R-3 of the Lands of the Maguire Family Trust, S ½ of the NE ¼, Section 3, T10N, R7E, NM PM, Town of Edgewood, Santa Fe County New Mexico. Commissioner Markley seconded the motion.

VOTE: Commissioner Huppertz voted aye. Commissioner Markley voted aye. Vice Chairman Thompson voted aye. Motion carried.

B. Hillcrest: Amendment to the Master Plan

Mr. Shepherd stated that the Commission had previously reviewed and approved these findings for Hillcrest at the last meeting. The previous Chairperson signed the document after she resigned, which may have made them invalid. At this time we are looking for a second vote for approval and current signatures.

MOTION: Commissioner Markley made a motion to approve the Amendment to the Hillcrest Master Plan, Unit 2, being a portion of Tract A of the Lands of Highland Stock Farm LLC, Section 10, T10N, R7E, Town of Edgewood, Santa Fe County, New Mexico, NMPM for a MU Mixed Use Zoning Designation. Commissioner Huppertz seconded the motion.

VOTE: Commissioner Huppertz voted aye. Commissioner Markley voted aye. Vice Chairman Thompson voted aye. Motion carried

7. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS:

There were none.

8. MATTERS FROM STAFF:

Ms. Pettee spoke about the upcoming training sessions. She emphasized the May 4, 2016 training for new commissioners to be held at MRCOG. She asked each of the commissioners to please try to make that half day session.

Steve Shepherd confirmed that this would be the last meeting for Commissioner Markley. He thanked Commissioner Markley for his service and contributions to Edgewood.

Mr. Shepherd spoke about the Edgewood Roads and the process of prioritizing their need for upgrades. He noted that Walker Road is near completion. NMDOT MAP funds are available for Entrada del Norte, and the construction crew will continue around the corner and complete Entrada Del Norte without having to mobilize. He added that Horton Road between Dinkle and Venus is the next road in line to be paved.

9. CALENDAR UPDATE AND FUTURE AGENDA ITEMS:

Due to a conflict in staff schedule, Ms. Pettee asked the Commissioners if they would mind moving the May 4, 2016 meeting to May 10, 2016. The Commissioners agreed to move the meeting back one week.

10. ADJOURN.

MOTION: Commissioner Markley made motion to adjourn the meeting. Commissioner Huppertz seconded the motion.

VOTE: Commissioner Markley voted aye. Commissioner Huppertz voted aye. Vice Chairman Thompson voted aye. Motion carried.

Vice Chairman Thompson adjourned the meeting of April 5, 2016 at 6:35 pm.

PASSED, APPROVED and ADOPTED this 19th day of APRIL, 2016.

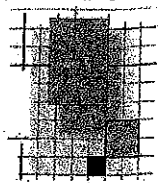
Dan Thompson, Vice Chairman

ATTEST:

Cheryl Huppertz, Secretary

Larry N. Sullivan, JD, MLA
25 Lynch Trail
Edgewood, New Mexico 87015
806.778.3116
Email: nmlns014@gmail.com

COMMUNITY RELATIONS / ORGANIZER
CHARRETTE PLANNING & PROCESS FACILITATION
LAND USE / LAND DEVELOPMENT PLANNING
PROJECT PLANNING & ADMINISTRATION
DESIGN DEVELOPMENT & DETAILING
ROAD & BRIDGE AESTHETICS
LEGAL SERVICES — TRANSACTIONS & LITIGATION



PROFESSIONAL RESUME

Career Interests: temporary, contract or part-time work that uses group process or legal skills, and knowledge or judgment acquired in land use & development, roadway & bridge aesthetics, wayfinding and construction.

Education: Master of Landscape Architecture, Texas A&M University (1994); Doctor of Jurisprudence, University of Texas School of Law, (1978); post graduate studies in Policy Sciences, SUNY at Buffalo (1968-1971); Bachelor of Arts, Baylor University (1967).

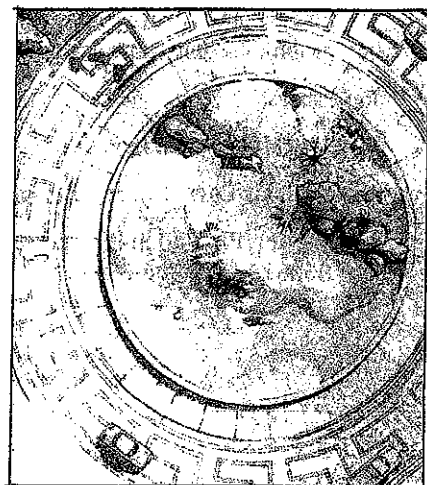
Licenses, Certificates, Awards: State Bar of Texas [TBA #19487500, good standing]; Lubbock County ODR Mediator (2013 - 2015); New Mexico Mediator, ASLA Award for Excellence in Graduate Study of Landscape Architecture, TAMU (1993); Honors Program Graduate, Baylor (1967).

Publications: "Thomas Jefferson Riden RIP" (WIP—fictionalized memoir in the form of a belated wake) "Cotton Lane Gila River Bridge – Integration of Environment and Infrastructure" a white paper presented to the PCI National Bridge Conference 2007 [with Dave Lawson, PE, of Michael Baker Engineering, & Ed Corral of Corral Dybas Group] and "Public/Private Partnership Succeeds" ASPIRE, Spring 2009 [with Lawson].

EXPERIENCE

Land use law and land development:

- **Attorney** – hired by landowners to explore and resolve legal issues related to alleged misrepresentations of wind energy developers, access to land-locked parcels, complex land trust questions, and water rights in Texas (2014-present). Hired by landowners and developers to plan land-related transactions, including special utilities corridor easements, and to litigate tort claims for negligent damage to land (1979-1989).
- **University Teaching** -- prepared and delivered the following courses at Texas Tech University (2008-2014): (i) cultural landscapes from pre-historic times to the present [a university-wide core curriculum course]; (ii) urban design, including land use law in urban settings; (iii) master planning at site & institutional scales; and (iv) environmental planning basics. Also prepared and delivered a course on construction contract law to TAMU seniors in construction management (1991-1992), and a course in general system theory at the graduate school of social welfare at SUNY at Buffalo (1969-1970).
- **Positive Action for Sustainable Development** -- founded the not-for-profit *Alliance for a Sustainable Lubbock* and organized its first annual awards event to celebrate local achievements in sustainable development (2011-2012);
- **Planning / design consultant; charrette facilitator** – planning/design of enhancements to public landscapes and right-of-way or river corridors, including two FHWA Scenic Road designations and five new bridges in Metro Phoenix and rural Arizona (2002-2008), arterials improvements and a keystone park in the Metroplex (1999-2002), river reclamation in Los Angeles County CA (1997-1998); old missions trail in San Antonio TX (1996); Penn Treaty Park renewal and Delaware River greening in Philadelphia PA (1995). These projects required field investigation and community relations work as well as conceptual design, cost estimating, working with community groups, design development work, preparation or supervision of drafting for construction documents, and presentations to design review panels.



- **Property Tax Exemption Review** – conducted a year-long review of tax exempt status of properties of religious and charitable organizations for the Tax Appraiser in Tom Green County, Texas. Twenty percent of previously exempt properties were restored to tax productivity. One lawsuit resulted from the review, but the Appraisal District prevailed at trial (1989-1990).
- **Memberships:** State Bar of Texas; American Association of Professional Landmen; Oil, Gas & Energy Section of the State Bar of Texas; ADR Section of the State Bar of Texas.

Construction:

- **Attorney** – Tree protection revision clause to form contract for urban public improvements in Arizona. Negotiated and drafted agreements for contractors, subcontractors and suppliers. Filed and enforced mechanic's liens, and litigated disputes with other parties engaged in construction projects. Enforced workmanship warranties. Participated in defense against a major claim for wrongful death and personal injuries sustained by workmen. (1979-1994).
- **Construction-Related Design.** Construction documents for numerous ROW public improvements projects and for a Gulf Coast home builder.
- **Construction worker.** Tied steel for interstate roadway culverts, sheet metal worker on commercial construction jobs, roof installation and repairs worker, interior and exterior painter. (various times and places, mostly in summers during college years).



Field work for EIS,
Central Arizona

Public Health/mental health:

- **Health care reform** – participated with and represented a local community action group attempting to improve citizen understanding of health care reform (2012-2013).
- **Attorney** – successful trial and appellate litigation challenging the Bexar County system for adjudication of emergency mental health commitments to the state mental hospital San Antonio (1981). Also handled competency matters as the Assistant District Attorney for a judicial district comprised of Austin County, Fayette County and Waller County (1982-1983).
- **Public Health Planning & Administration** – Acting Director of the Austin-Travis County Health Department charged with supervision of 275 professionals and management of more than \$6 million in local and federal funds. Led an innovative public immunization campaign and did early planning for a system of six satellite clinics later approved by Austin voters (1973-1976).
- **Community Health Advocacy** – Field Director for MIT-sponsored community action project in a low-income, absentee landlord suburb of Cambridge, Massachusetts (1972).

Other relevant skills: Legal research (including land title searches) and briefs. Presentation graphics. Real time "rapid-viz" graphics for group creativity and problem-solving; brainstorming. Microsoft Word, Excel and PowerPoint; ADOBE Illustrator, Photoshop & InDesign, AutoCAD and SketchUp computer drawing; manual graphics & landscape assessment.

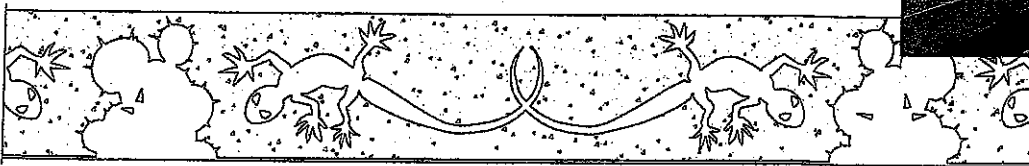
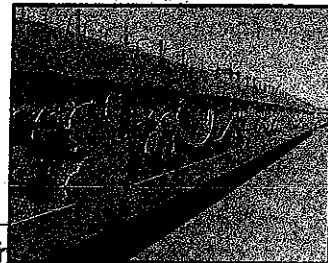
References:

Michael Murphy, Ph.D. P. O. Box 444, Mason TX 76856 – 325.347.6568

Ed or Carlos Corral, Corral Design Group, 4632 South 36th Street, Phoenix, Arizona 85040 – 602.222.9822

Dan Heller, PE, T Y Lin International, 60 E Rio Salado Pkwy # 501, Tempe, AZ 85281 -- 480.968-8814

Girder face design for Gila River Bridge. Ironies: (a) I had not wanted to do girder face in relief – I wanted an "organic" stain instead, (b) the City Manager of Goodyear AZ and I both like M C Escher, and (c) my sculpture experience was needed to guide the fabricator.



**TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION
STAFF REPORT**

SUBJECT : 2016-SUB 003
APPLICANT : Aspire Hotels/Scott McCall

REQUESTED ACTION

The applicant is seeking to vacate an interior lot line and re-plat two (2) lots into one (1) lot, for the property at: 6 & 8 Marietta Court, Lot 18R & Lot 19R, Edgewood Plaza, Section 28, T10N, R7E, Santa Fe County, Edgewood, NM.

APPLICATION EXHIBITS

- A) Staff Report
- B) Application for Lot Line/Re-plat
- C) Owner letter of Request
- D) Original Plat
- E) Revised Plat
- F) Current Warranty Deed/Purchase Agreement
- G) Site Plan Drawing
- H) Zone Atlas Map

APPLICABLE REGULATIONS

Subdivision Ordinance 2014-03

NOTIFICATION

Signs were posted along Marietta Court at the property site on April 13, 2016 and letters to fourteen (14) property owners within 500 feet of the subject property were mailed noticing the request.

LOCATION

Subject properties are located at:

6 Marietta Court, Lot 19R, (.960 Acres), Edgewood Plaza Subdivision, Section 28, T10N, R7E
Edgewood, Santa Fe County, New Mexico

8 Marietta Court, Lot 18R, (.940 acres), Edgewood Plaza Subdivision, Section 28, T10N, R7E,
Edgewood, Santa Fe County, New Mexico

BACKGROUND

The applicant submitted an application on April 6, 2016 requesting an interior lot line vacation of two lots into one lot. The surrounding properties are C-2 Commercial Business zone. The property is off Route 66 and adjacent to Interstate 40.

PROJECT DESCRIPTION

The request is necessary for the applicant to build a 72 room hotel that will be situated on one lot instead of across two (2) lots. The combined acreage of the two lots will be approximately 1.900 acres. Utility easements and sewer connection is readily available onsite. The utilities will not be affected by the property line that is to be vacated. Variances for the building height and sign locations were approved in 2015. Grading and Drainage plans were approved earlier this year and work is well under way. This lot line vacation is needed prior to the building plans being approved.

The hotel is proposed to be 4 stories high, include 72 rooms, 87 parking stalls, and amenities including a swimming pool and breakfast area.

STAFF ANALYSIS

- 1) Staff performed a review of the application, submitted materials, and applicable ordinances.
- 2) The plat was found to be in compliance with requirements of the Subdivision Ordinance 2014, Sections 8 & 14.
- 3) This application, being deemed a Minor Subdivision, and requires complete action within 60 days per Subdivision Ordinance 2014-03, as amended 02/04/15, Section 8. Minor Subdivisions.

STAFF RECOMMENDATION

It is the opinion of staff that the applicant has met the requirement for a Lot Line Vacation and Re-plat as specified in the Subdivision Ordinance 2014-03, as amended 02/04/15, and therefore, recommends approval of this request. Upon approval, a copy of the recoded plat shall be provided to the Town of Edgewood Planning Office.

Future development of the lots is required to meet the provisions of the following Town of Edgewood Ordinances:

- Fire and Rescue Impact Fees 2004-09
- Grading & Drainage 2001-01
- Landscaping Ordinance 2000-25
- Sign Ordinance 2009-02
- Sub-Division Ordinance 2014-03, as amended 02/04/15
- Uniform Fire Code 1999-T
- Zoning Ordinance 2014-02, as amended 08/05/15



Town of Edgewood
Community Planning & Development
P.O. Box 3610
Edgewood, NM 87015
(505) 286-4519 ext. 3 Fax: 286-4519

SUBDIVISION AND PLATTING APPLICATION

For Municipal Use Only: File No. 2016-Sub 003
Date of Receipt: 4.6.16
Planning Commission Meeting Date: _____

The undersigned hereby applies for approval under the Town of Edgewood Subdivision Ordinance, for the Plan, submitted herewith and described below:

Application Classification:

_____	Sketch Plat/Pre-Application	
_____	Minor Subdivision Plat	\$250.00 + 10.00 per resulting lot (limit three)
_____	Preliminary Plat	\$50.00 per resulting lot
_____	Final Plat	\$ 250.00 + 10.00 per resulting lot
_____	Vacation of Plat	
<u>X</u>	Lot line vacation/replat	\$ 50.00
_____	Right-of-way vacation	\$ 100.00

Applicant: Aspire Hotels LLC Telephone: 505-235-9018
Address: P.O. Box 1687 Edgewood, NM 87015
Street Address City State Zip Code
Agent: Scott McEach Telephone: 505-235-9018
Address: SAME AS ABOVE
Street Address City State Zip Code

Legal Description: Section 28, T. 10N, R. 7E, NM. P.M.
Existing Subdivision _____
Project Address 8 Marquette Ct
Address: 658 Marquette Ct

Number of Lots Created 1 Total Acreage: 1.92
Current Zoning: C-2

*****IMPORTANT - PLEASE READ AND REVIEW*****

- ☐ Check if there are any easements on the property and show them on all concept and preliminary plats.
- ☐ Check if there are any drainage or stormwater facilities on the property and show them on all concept and preliminary plats.
- ☐ Check if there are any encroachments on current or proposed easements and show them on all concept and preliminary plats.
- ☐ Check if there are any public or private utilities on the property and show them on all concept and preliminary plats.

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after the Planning Commission's review for the purposes of inspecting the proposed and/or approved parcels. Notarized Agent Authorizations are required as part of the application documents in the event an Agent is assigned.

Applicant's Signature: [Signature] Date: 2-19-16

Owner's Signature: _____ Date: _____
(If different from applicant)

Fee Paid: 5000 Date: 4.6.16

Receipt: _____ Initials: [Initials]

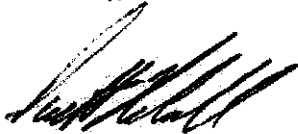
Scott McCall
Leverage Development/Aspire Hotels
P.O. Box 687
Edgewood, New Mexico 87015
March 30, 2016

Dear Town of Edgewood Planning and Zoning Commission:

It was brought to my attention by the Town's staff that we need to formally request that the lot line that divides Lot 18R and 19R be vacated. Both lots were purchased to consolidate both lots into one building side for the Comfort Inn and Suites at 8 Marietta Court. I did not realize that a formal request for vacating the common line that splits these lots needs to be requested and approved by the Planning and Zoning Commission. Therefore, I would like to "formerly" request that this common lot line, per the submitted drawing, be eliminated and both lots be combined into one larger lot.

We look forward to the opportunity to bring the Town its first hotel hopefully by the end of this year. Please let me know if there is anything else that might be needed to vacate this lot.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott McCall', is written over a horizontal line.

Scott McCall
Managing Partner
Leverage Development/Aspire Hotels

BOUNDARY SURVEY OF

LOTS 18R AND 19R, EDGEWOOD PLAZA, LOCATED IN SECTION 28, T10N, R7E,
N.M.P.M., TOWN OF EDGEWOOD, SANTA FE COUNTY, NEW MEXICO

DESCRIPTION

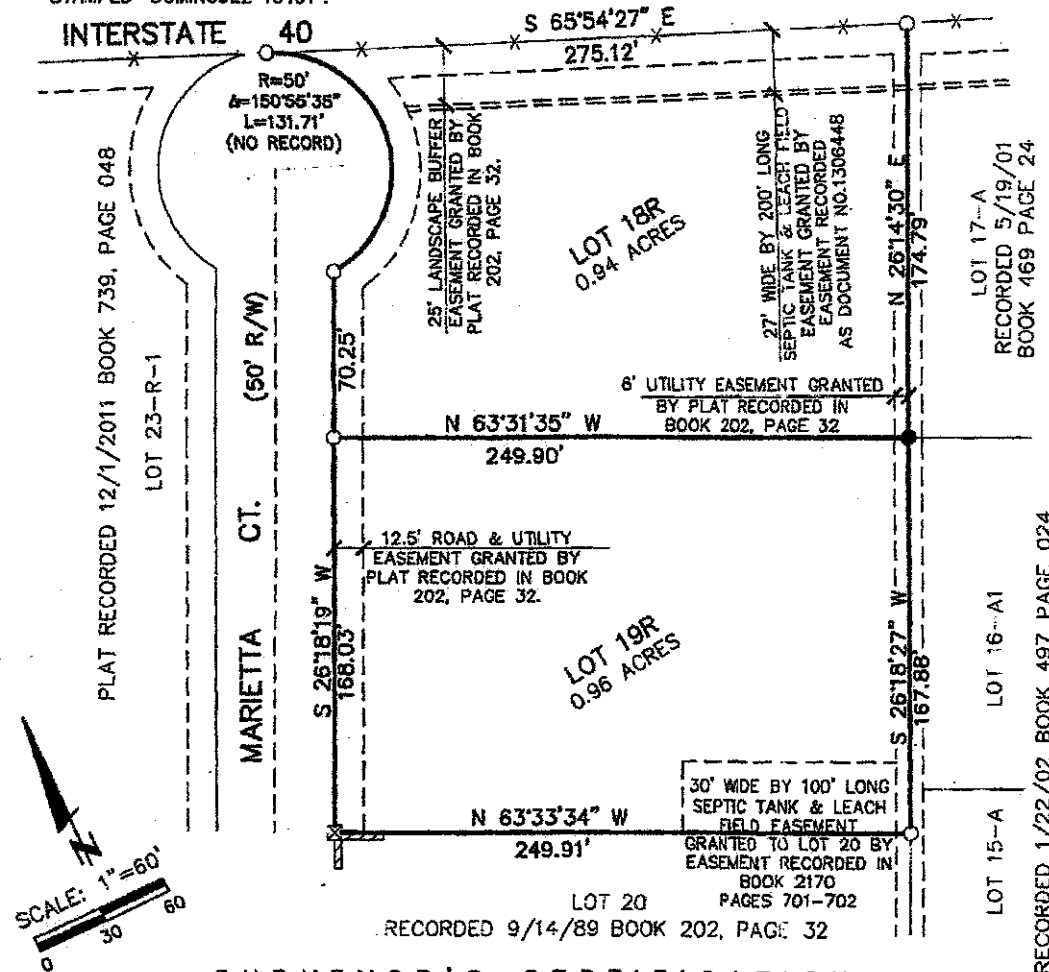
LOTS 18R AND 19R AS SHOWN ON THE 'REPLAT AND LOT CONSOLIDATION OF LOTS 18, 19, 22, 23, 24, 25, 29, AND 30 OF EDGEWOOD PLAZA...', FILED IN THE OFFICE OF THE COUNTY CLERK, SANTA FE, NEW MEXICO ON AUGUST 5, 2005 IN PLAT BOOK 595, PAGE 019 AS DOCUMENT NO. 1392081.

SURVEY GENERAL NOTES

1. THE BASIS OF THIS SURVEY IS THE WARRANTY DEED TO WASHINGTON FEDERAL, RECORDED ON DECEMBER 27, 2012, AS DOCUMENT NO. 1691876, AS SHOWN ON THAT PLAT IN ITEM 4-B BELOW.
2. BEARINGS SHOWN ARE THE SAME AS SHOWN ON THAT PLAT OF EDGEWOOD PLAZA NOTED IN ITEM 4-B BELOW.
3. LANDS SHOWN HEREON LIE OUTSIDE THE 100 YEAR FLOODPLAIN ACCORDING TO F.I.R.M. PANEL NO. 35049C1000E.
4. THE FOLLOWING DOCUMENTS WERE USED TO DETERMINE THE BOUNDARIES SHOWN ON THIS SURVEY:
 - A. WARRANTY DEED TO WASHINGTON FEDERAL, RECORDED ON DECEMBER 27, 2012, AS DOCUMENT NO. 1691876;
 - B. PLAT OF 'REPLAT AND CONSOLIDATION OF LOTS 18, 19, 22, 23, 24, 25, 29 AND 30, EDGEWOOD PLAZA' RECORDED ON AUGUST 5, 2005, IN PLAT BOOK 595, PAGE 019;
 - C. PLAT OF EDGEWOOD PLAZA, RECORDED ON SEPTEMBER 14, 1989, IN PLAT BOOK 202, PAGE 32;
 - D. COMMITMENT FOR TITLE INSURANCE ISSUED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, FILE NO. 184933-VILLANEC, DATED JULY 16, 2015.

LEGEND

- SET 5/8" x 16" LONG REBAR & I.D. CAP STAMPED "OA PS 14405"
- FOUND 1/2" REBAR & CAP STAMPED "DOMINGUEZ 10461".
- ☒ CHISELED "X" IN CONCRETE CURB
- ▬ CONCRETE CURB
- BOUNDARY LINE
- - - EASEMENT LINE
- X-X- WIRE FENCE



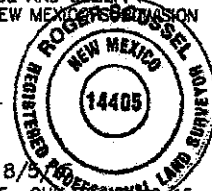
SURVEYOR'S CERTIFICATION

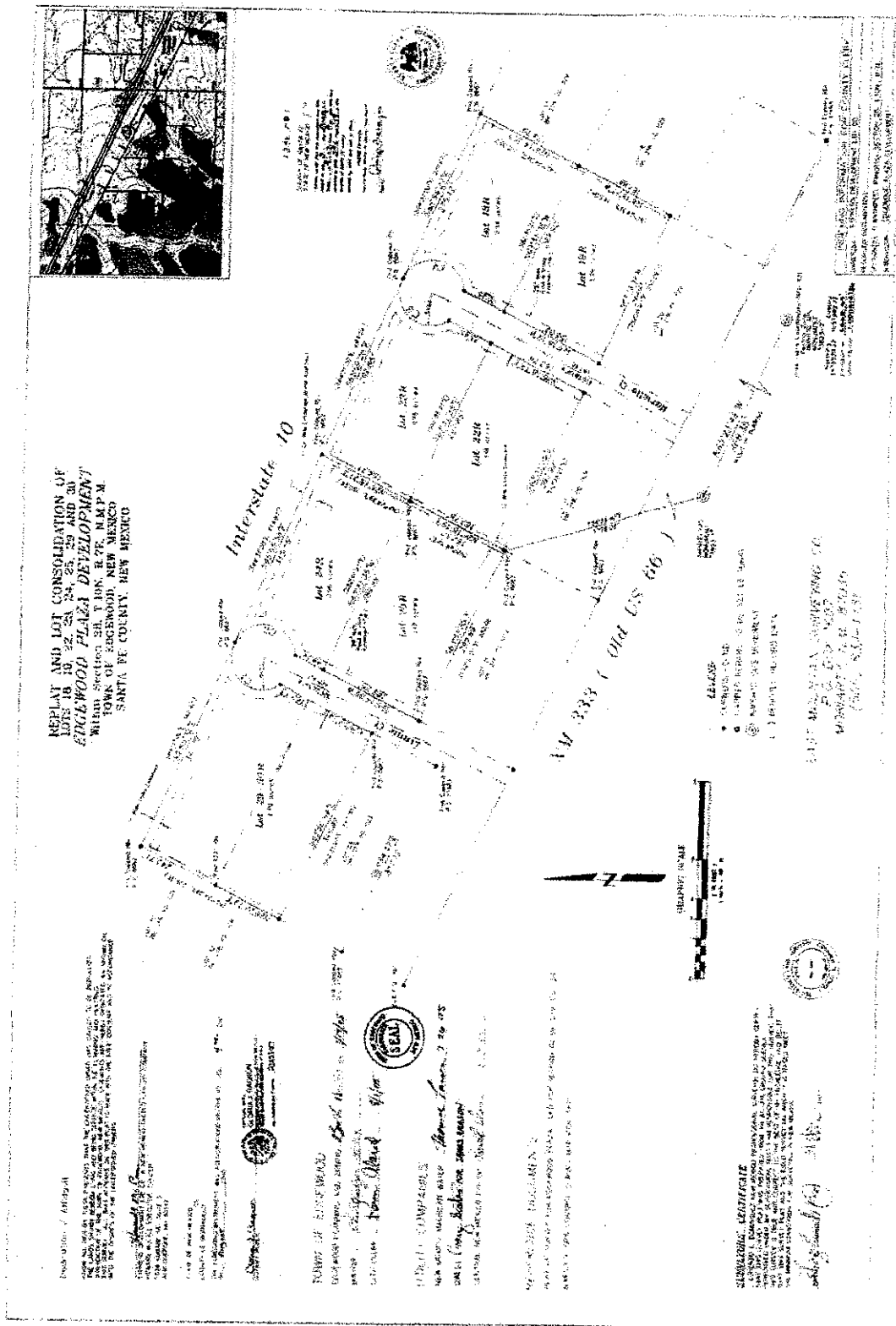
I, ROGER G. SCUSSEL, A NEW MEXICO PROFESSIONAL SURVEYOR NO. 14405, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY IS NOT A LAND DIVISION OR SUBDIVISION AS DEFINED IN THE NEW MEXICO SUBDIVISION ACT AND THAT THIS INSTRUMENT IS A BOUNDARY SURVEY PLAT OF AN EXISTING TRACT OR TRACTS.

Roger G. Scussel
ROGER G. SCUSSEL
P.S. NO. 14405

8-7-15
DATE

ODEN & ASSOCIATES, P.O. BOX 1976, MORIARTY, N.M., 87035 (505)-832-1425 DATE: 8/5/15
FILE: EDGEWOOD PLAZA JOB#: S15-092 COMP. FILE: SUBDN/EDGPLAZ DRW: GS 8/6/15 CHK: [Signature]
PAGE 1 OF 1





1000

Return To:

Fidelity National Title of New Mexico, Inc
8500 Menaul Blvd NE, Ste. B150
Albuquerque, NM 87112

Return To: **FT000184933LV**
FIDELITY NATIONAL TITLE INSURANCE CO.

GF# FT000184933-NM01

e-Recorded 177387 10/29/15 SFC

SPECIAL WARRANTY DEED

Washington Federal, A National Association who acquired title as Washington Federal, a Federal Savings Association for consideration paid, grant to

Aspire Hotels, LLC, A New Mexico Limited Liability Company

whose address is P.O. Box 687, Edgewood, NM 87015 the following described real estate in Santa Fe County, New Mexico:

Lots 18R and 19R as shown on the "Replat and Lot Consolidation of Lots 18, 19, 22, 23, 24, 25, 29 and 30 of Edgewood Plaza Development", filed in the office of the County Clerk, Santa Fe, New Mexico on August 5, 2005 in Plat Book 595, page 019 as Document No. 1392081.

with special warranty covenants.

SUBJECT TO Patent, reservations, restrictions, and easements of record and to taxes for the year 2016, and subsequent years.

Witness my hand and seal this 27th day of Oct, 2015

Washington Federal, A National Association

BY: Rick Gerstmann

Rick Gerstmann, Assistant Vice President

STATE OF Washington

COUNTY OF King

This instrument was acknowledged before me Joy N. Pardue

this 27th day of October, 2015

by Rick Gerstmann

(Name of Officer)

AVP of Washington Federal NA

(Title of Officer)

(Name of Corporation Acknowledging)

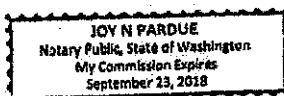
a National corporation, on behalf of said National Association.
(State of Incorporation)

Joy N. Pardue
Notary Public



My Commission Expires: 9-23-2018

(SEAL)



COUNTY OF SANTA FE
STATE OF NEW MEXICO

SPECIAL WARRANTY DEED
PAGE: 1

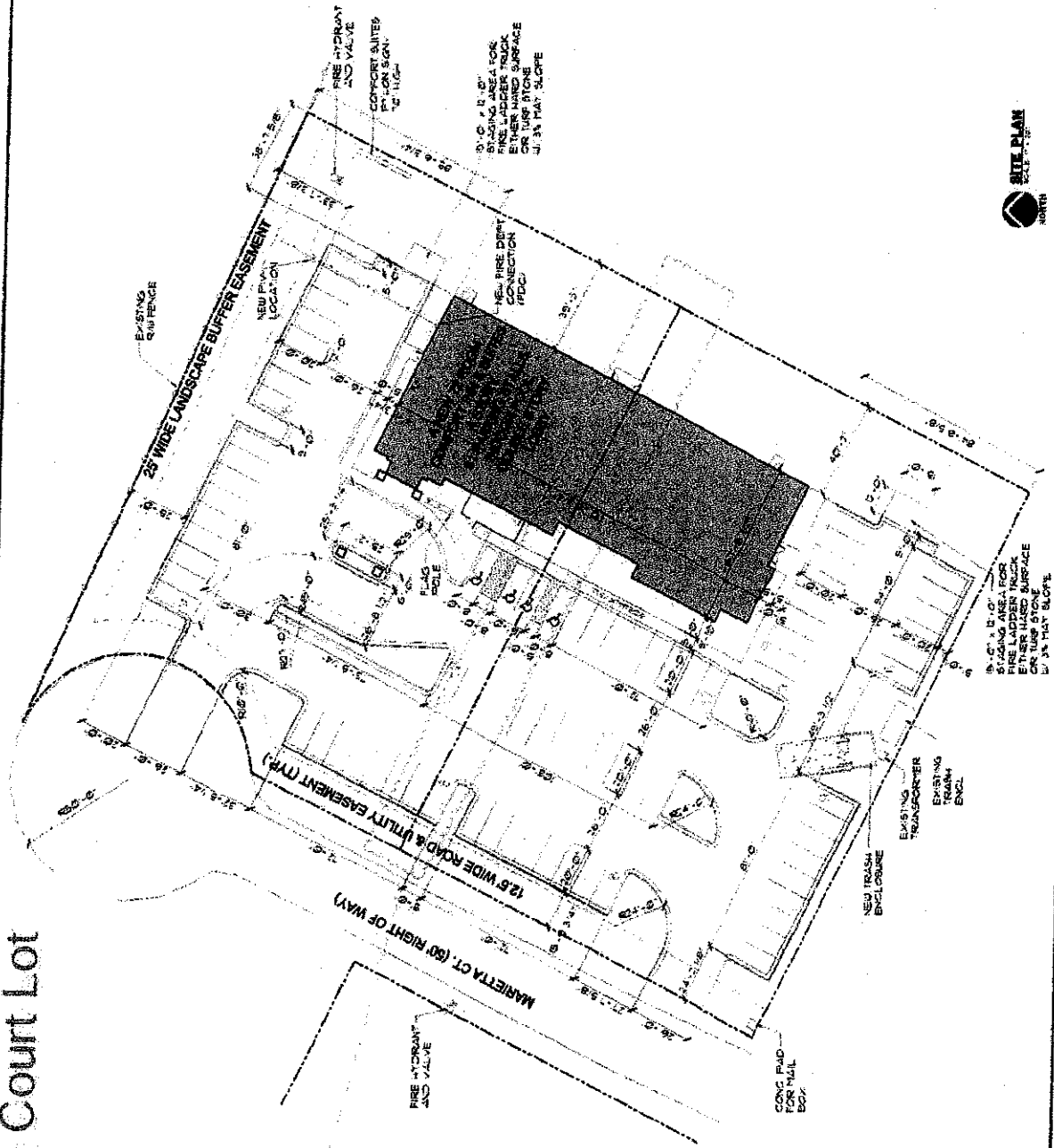
I hereby Certify That This Instrument Was Filed for Record On the 29TH Day of October, A.D. 2015 at 01:48:25 PM And Was Duly Recorded as Instrument # 1778397 OF The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Badazar
County Clerk, Santa Fe, NM

Deputy EQUINTANA

Special Warranty Deed (9-89)
FDNM0626.rdw

6 and 8 Marietta Court Lot
Line Vacation



1. *Chlorophyll a* and *Chlorophyll b* contents were determined using a spectrophotometer (Shimadzu UV-1601) at 663 nm and 646 nm, respectively. The total chlorophyll content was calculated using the following formula: $\text{Total Chlorophyll} = \frac{1}{22.2} \times \text{Chlorophyll a} + \frac{1}{22.2} \times \text{Chlorophyll b}$.

ASSOCIATED
P.O. BOX 33034
DENVER, COLORADO 80222
ARCHITECTS
PHONE (303) 691-3303
FAX (303) 691-5018
EMAIL: AIAASSOCIATED@CARTHEUS.NET

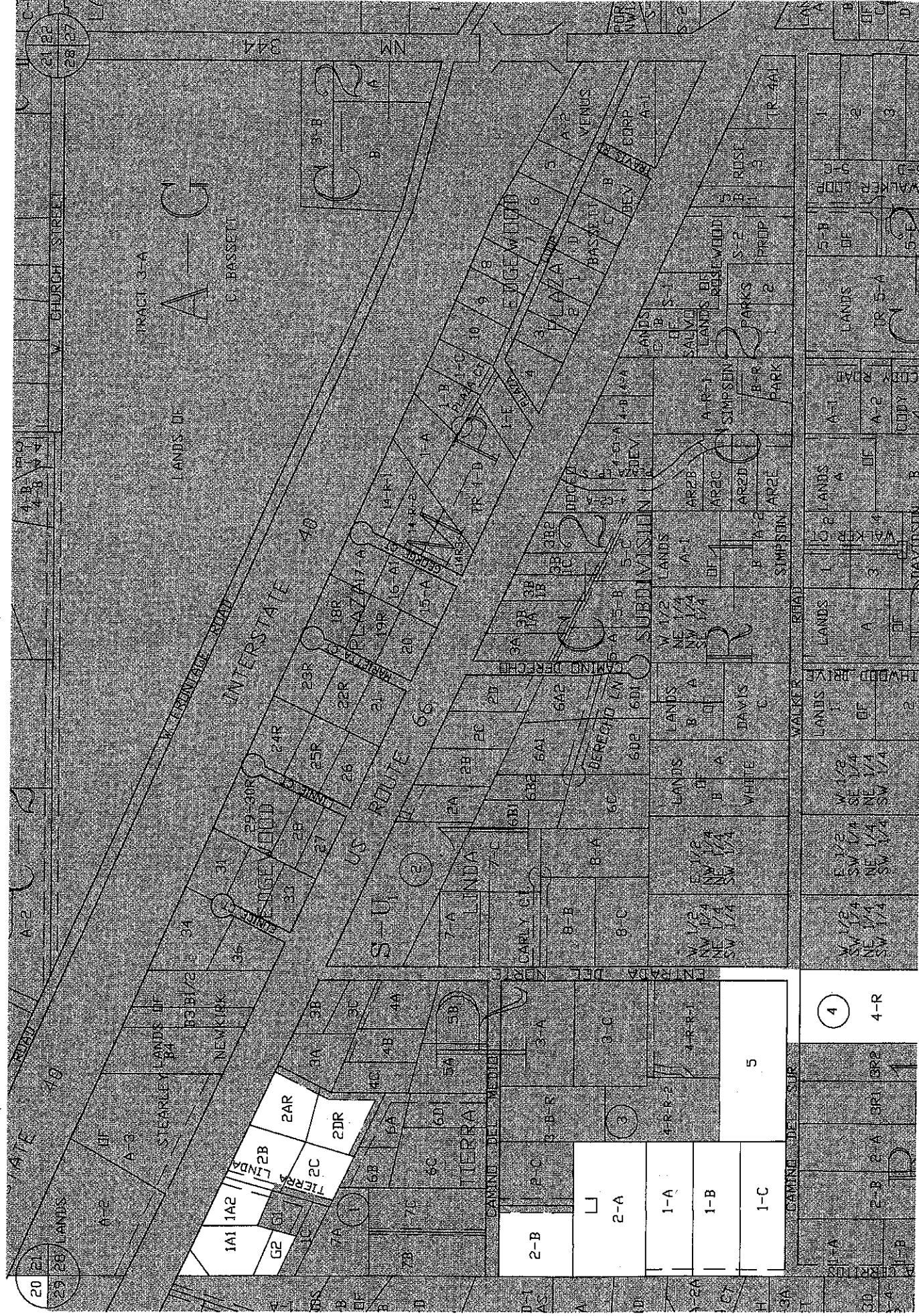
NEW 72 HM COMFORT INN & SUITES FOR :
SCOTT McCALL
WEST OF 1875 HWY 85
ROSEMOUNT, NEW MEXICO 87050

DATE: 10-10-70
TIME: 10:10
BY: [illegible]
TO: [illegible]
SUBJECT: [illegible]

1.
S.
A.



NATION'S PLAN
FOR THE FUTURE



20 21
29 28 LANDS

20 21
29 28 LANDS

20 21
29 28 LANDS

20 21
29 28 LANDS

20 21
29 28 LANDS

20 21
29 28 LANDS

20 21
29 28 LANDS

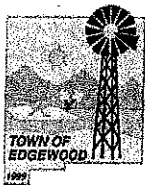
1A1 1A2 1B1 1B2 1C1 1C2 1D1 1D2 1E1 1E2 1F1 1F2 1G1 1G2 1H1 1H2 1I1 1I2 1J1 1J2 1K1 1K2 1L1 1L2 1M1 1M2 1N1 1N2 1O1 1O2 1P1 1P2 1Q1 1Q2 1R1 1R2 1S1 1S2 1T1 1T2 1U1 1U2 1V1 1V2 1W1 1W2 1X1 1X2 1Y1 1Y2 1Z1 1Z2 2A1 2A2 2B1 2B2 2C1 2C2 2D1 2D2 2E1 2E2 2F1 2F2 2G1 2G2 2H1 2H2 2I1 2I2 2J1 2J2 2K1 2K2 2L1 2L2 2M1 2M2 2N1 2N2 2O1 2O2 2P1 2P2 2Q1 2Q2 2R1 2R2 2S1 2S2 2T1 2T2 2U1 2U2 2V1 2V2 2W1 2W2 2X1 2X2 2Y1 2Y2 2Z1 2Z2 3A1 3A2 3B1 3B2 3C1 3C2 3D1 3D2 3E1 3E2 3F1 3F2 3G1 3G2 3H1 3H2 3I1 3I2 3J1 3J2 3K1 3K2 3L1 3L2 3M1 3M2 3N1 3N2 3O1 3O2 3P1 3P2 3Q1 3Q2 3R1 3R2 3S1 3S2 3T1 3T2 3U1 3U2 3V1 3V2 3W1 3W2 3X1 3X2 3Y1 3Y2 3Z1 3Z2 4A1 4A2 4B1 4B2 4C1 4C2 4D1 4D2 4E1 4E2 4F1 4F2 4G1 4G2 4H1 4H2 4I1 4I2 4J1 4J2 4K1 4K2 4L1 4L2 4M1 4M2 4N1 4N2 4O1 4O2 4P1 4P2 4Q1 4Q2 4R1 4R2 4S1 4S2 4T1 4T2 4U1 4U2 4V1 4V2 4W1 4W2 4X1 4X2 4Y1 4Y2 4Z1 4Z2 5A1 5A2 5B1 5B2 5C1 5C2 5D1 5D2 5E1 5E2 5F1 5F2 5G1 5G2 5H1 5H2 5I1 5I2 5J1 5J2 5K1 5K2 5L1 5L2 5M1 5M2 5N1 5N2 5O1 5O2 5P1 5P2 5Q1 5Q2 5R1 5R2 5S1 5S2 5T1 5T2 5U1 5U2 5V1 5V2 5W1 5W2 5X1 5X2 5Y1 5Y2 5Z1 5Z2

2-B
LI
2-A
1-A
1-B
1-C

5

4

4-R



BEFORE THE TOWN OF EDGEWOOD PLANNING & ZONING COMMISSION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER

IN THE MATTER OF AN APPLICATION BY:

WILLIAMS, CLAY

CASE: ZC 2015-1119

ZONE CHANGE FROM R-1 RESIDENTIAL TO MU-MIXED USE
FOR PROPERTY LOCATED AT 88 CHURCH, TRACT B, 92A CHURCH, TRACT A, AND 92C CHURCH TRACT
D, LAND DIVISION OF THE LANDS OF GERVAIS & PATRICIA WILLIAMS,
SECTION 27, T10N, R7E, N.M.P.M. EDGEWOOD, NM 87015

I. APPLICATION PROCESS

1.1 LEGAL

A request by Clay Williams, for a Zone Change from R-1 Residential zoning to MU-Mixed Use zoning for property located at:

- 92A East Church Street: Tract A: 0.95 Acres
- 92C East Church Street: Tract B: 0.95 Acres
- 88 East Church Street: Tract D: 0.86 Acres

of the Land Division of the Lands of Gervais & Patricia Williams, Section 27, T10N, R7E, NMPM, Santa Fe County, Edgewood, NM 87015.

2. PUBLIC MEETING

On April 5, 2016 the Planning & Zoning Commission reviewed this application for recommendation to the Town Council.

Applicant Presenting Information : Mr. Clay Williams
Staff Presenting Information : Bonnie Pettee and Steve Shepherd

3. FINDINGS OF FACT

- 3.1 The Edgewood Planning & Zoning Commission is authorized to hear this case and to make a recommendation to the Edgewood Town Council to approve this Zone Change application for Clay Williams.
- 3.2 The authority to recommend approval of this application is within the jurisdiction of the Commission.
- 3.3 Recommendation for approval of this Zone Change will not adversely affect the general plan of the Town or be contrary to the general public health and welfare.

4. CONCLUSIONS OF LAW

The request for a Zone Change from R-1 Residential zoning to MU-Mixed Use zoning for property located at 88 Church, 92A Church, and 92C Church is:

4.1 Determined to have met the requirements for a Zone Change Request per the Zoning Ordinance 2014-02, as amended 08/05/15, Section 40 Amendments and Section 20. MU-Mixed Use Zone, with the following conditions:

A. Town Ordinances to be followed as the project moves forward in development.

- Zoning Ordinance 2014-02
- Grading & Drainage Ordinance 2002-01
- Landscaping Ordinance 2000-25
- Sign Ordinance 2009-02
- Uniform Fire Code 1999-T
- Fire and Rescue Impact Fees 2004-09

4.2 Approval of this request is not detrimental to the public health, safety or welfare in the zone in which it is proposed.

4.3 Approval of this request will not result in adverse impact on neighboring properties.

5. ORDER OF DECISION

Based on the Findings of Fact, Conclusions of Law and the reasons stated, the Town of Edgewood Planning and Zoning Commission recommends that Zone Change Application ZC 2015-1119, a request for a change to the zoning designation from R-1 Residential to MU Mixed Use Zone for the property identified as 88 Church, Tract B, 0.95 acres; 92A Church, Tract A, 0.95 acres; and 92C Church, Tract D, 0.86 acres; Land Division of the Lands of Gervais & Patricia Williams, Section 27, T10N, R7E, N.M.P.M. Edgewood, NM 87015 be forwarded to the Town Council for approval and Zone Map Amendment.

THIS RECOMMENDATION WAS APPROVED BY THE EDGEWOOD PLANNING AND ZONING COMMISSION APRIL 19, 2016.

Dan Thompson , Vice Chairman
Town of Edgewood Planning & Zoning Commission

Date

Attest:

Cheryl Huppertz, Secretary
Town of Edgewood Planning & Zoning Commission

Date

RESOLUTION NO: 2016-05
A RESOLUTION OF THE PLANNING AND ZONING
COMMISSION OF THE TOWN OF EDGEWOOD

WHEREAS, Section 3-19-3 of the NM Statutes provides, in part that "A planning commission shall adopt rules for the transaction of business"; and

WHEREAS, the Planning and Zoning Commission of the Town of Edgewood (hereinafter called "Commission") desires that its business be conducted in a fair, impartial and orderly manner for the public good;

NOW THEREFORE, be it resolved that the following rules are established for the transaction of business before the Commission this 10th day of May 2016:

1) Members and Officers:

- a. By Town Ordinance 2014-05 the Commission shall consist of five (5) members, a minimum of three (3) of whom must reside within the municipal boundaries, and one alternate, appointed by the Mayor with the consent of the Town Council. Commissioners serve two-year terms, on a staggered basis.
- b. Terms for new Commissioners begin upon swearing in at a regularly scheduled Planning Commission meeting following appointment.
- c. The Commission at its first regularly scheduled meeting each January elects as Officers its Chairman, Vice-Chairman and Secretary, to serve one-year terms as outlined in Ordinance 2014-05.
 - i. **Chairman:** The duties of the Chairman include the following: presiding at all meetings of the Commission, calling special meetings as necessary, in coordination with the Town Administrator (or their designee), preparation of the meeting agenda, signing documents of the Commission, assuring that all actions of the Commission are taken in accordance with Town Ordinances and other relevant laws and regulations, representing the Commission and speaking on its behalf, where so prescribed in the Land Use regulations and ordinances of the Town of Edgewood.
 - ii. **Vice-Chairman:** The duties of the Vice-Chairman include the following: presiding or performing all the duties of the Chairman during the absence, disability or disqualification of the Chairman; reviewing and signing documents of the Commission.
 - iii. **Secretary:** The duties of the Secretary include the following; affirming and maintaining copies of the minutes of all meetings, and preparing or informing the Commission of correspondence relating to the business of the Commission. The recording and drafting of meeting minutes may be delegated to the Town Staff at the discretion of the Secretary.

2) **Meetings:**

- a. **Regular Meetings:** Regular meetings are held on the ~~first and third Monday~~ of each month, at the Edgewood Community Center at 6:00 PM, or, if that facility is not available, at a location in the Town of Edgewood fully accessible to the public.
- b. **Special Meetings:** Special meetings may be called by the Chairman or by a majority of Commissioners for a time and date certain at a location fully accessible to the public in the Town of Edgewood.
- c. **Meeting Notices:** Public notices of regular and special meetings of the Commission shall specify the date, time, location and subject matter of the meeting.
 - i. Where notice requirements are not otherwise specified by Ordinance, notices of regular meetings are posted a minimum of seven calendar days in advance of the meeting date and in accordance with the Open Meetings Act of the New Mexico Statutes.
 - ii. Where notice requirements are not otherwise specified by Ordinance, notice of special meetings are posted a minimum of three calendar days in advance of the meeting date and in accordance with the Open Meetings Act of the New Mexico Statutes.
 - iii. Notices for regular and special meetings are posted at the following places within the Town of Edgewood:

1. Municipal Offices:	1911 Route 66
2. Smith's Food & Drug Center:	2B State Road 344
3. Edgewood Community Library:	95 State Road 344
4. Mr. Gas Mart:	#1 State Road 344
5. Edgewood Community Center:	27 E. Frontage Road
6. Mail & Copy Business Center:	2 Marietta Court
- d. **Quorum:** A majority of the members of the Commission, but no less than three (3), shall constitute a quorum for the transaction of business.
- e. **Duration of Meetings:** Regular and Special meetings shall not extend beyond the hour of 10:00 p.m. unless agreed upon at the time the meeting takes place by a majority of Commission members in attendance and affirmed by any applicants with matters still pending. The Commission will make every effort to hear and consider all agenda items on a regular or special meeting prior to 10:00 p.m. If the Commission is unable to complete all agenda items by such hour, a Motion to reconvene at a date certain is in order. Notice of the time and place of the reconvened meeting will be posted within 24 hours of the approved Motion to Reconvene and such reconvened meeting will comply in all respects with the Open Meetings Act of the New Mexico Statutes. Reconvened meetings will be held only on an exceptional basis in compliance with the Ordinances.
- f. **Agenda:** The Commission's agenda for regular meetings shall proceed in the following sequence, unless otherwise agreed upon by vote of a majority of the Commission present:

call to order, approval of the agenda posted in advance; Commission business items, to include approval of minutes of prior meetings; applications for subdivision plat approval requests, zoning items, public comment, matters from the Chair and Commissioners, matters from the Town Staff, calendar update and adjournment.

- g. **Minutes:** Minutes are prepared using notes, electronic recordings or other media recordings taken at the meetings. The minutes include the following; the date, time and place of the meeting; the names of Commissioners in attendance and those absent; the names of Town Staff present; the agenda items; the substance of the proposals considered; names of citizens who address the Commission; a record of any decisions and votes taken which show how each member voted.
 - h. **Testimony under Oath:** All persons giving testimony before the Commission shall be sworn in under oath before proceeding by the Town Administrator, or other qualified notary public, and shall be obligated thereby to testify in a truthful manner.
 - i. To assist in the orderly presentation of testimony and maintenance of minutes and other Commission records, all persons wishing to testify (and attorneys representing clients) are asked to provide their names and addresses on the sign-in sheet prior to appearing before the Commission.
- 3) **Conduct of Meetings:** Roberts Rules of Order, newly Revised is hereby adopted for the governance of the Commission in cases not otherwise provided for in these rules.
- a. When conducting hearings in performance of its quasi-judicial functions, the Commission shall follow the due process requirements of State of New Mexico ex. Rel. Battershell v. City of Albuquerque. 108 N.M. 658, 77 P2d 386 (Ct. App. 1987)
 - b. **Presentation by Applicants and the Public:** Applicant will be allowed up to 15 minutes to make their presentation. At the conclusion of an applicant's presentation, Commissioners may question the applicant to assist their understanding. Persons in favor of the application will be invited to speak, then person's opposed to the application will be invited to speak. Proponents, opponents and others testifying are asked to confine their remarks to matters relevant to the commission's decision-making responsibilities concerning the pending application. The applicant may cross-examine those appearing in support of, in opposition to, or presenting testimony concerning his/her application. Speakers will be called to the podium by the Chairman.
 - c. The Town Administrator (or their designee) will acknowledge and enter into the record signed, written communications received from the public concerning the pending application at least five (5) working days prior to the public hearing and those communications will be distributed to the Commission and the applicant by the Department staff. No written documents shall be distributed to the Commission except through the Community Planning and Development Department.
 - d. At no time will the public be allowed to confront the applicant or members of the Planning Commission using derogatory language or in an unprofessional manner. The Chair shall have the discretion to require a person to leave the hearing if this occurs.

After the hearing is closed, discussion will be limited to the Commission and the Staff.

- 4) **Voting and Decisions by the Commission:** Decisions by the Commission shall be made in the affirmative on motion by a Commissioner, duly seconded. Approval of a motion shall occur on the affirmative verbal vote of a majority of Commissioners present. If the decision is unanimous, the Chairman shall so state for the record. In the event of a divided vote, the Chairman shall announce those Commissioners recorded in favor, those recorded against, and those abstaining. Voting in absentia, fax or other written or electronic means is not permitted. Voting during closed sessions or by secret ballot is not permitted. The maker of a motion shall set forth supporting reasons (findings) in the text of his/her motion to assist in understanding the decision to be made by the Commission.
- 5) **Completeness of Materials and Record of the Meeting:** It is the responsibility of applicants to present all relevant written material in accordance with Ordinances as required and present all relevant testimony prior to decisions by the Commission. Applicants will not be permitted to supplement or add new documents after the Commission's action. All testimony, information and documents submitted to the Commission prior to its decision and the transcript of the meeting will constitute the record in the event of an appeal.
- 6) **Postponement of Decisions:** Following receipt of all testimony, the Commission may choose to keep the record open for a period not to exceed the time until the next regularly scheduled meeting, and reserves its right to postpone vote and decision making to a subsequent meeting, unless town ordinances or laws require a decision be made with a specific time.
- 7) **Distribution of Materials to Commissioners:** Agenda and other written materials assembled for distribution to Commissioners by the Community Planning & Development Department shall be provided electronically via Town e-mail, and copies placed in the cabinet provided for that purpose outside of the Municipal Offices. It is the responsibility of each Commissioner to check periodically his/her name slot to remove materials for preparation in advance of meetings.
 - a. The Commission requests staff of the Community Planning & Development Department to distribute all written material needed for preparation for decision-making by the Commission at least five (5) working days prior to regular or special meetings.
 - b. The Commission requests that except in unusual circumstances, written communications from professionals such as legal counsel or professional engineers retained by the Town regarding matters pending before the Commission shall be distributed at least five (5) working days prior to regular or special meetings.
- 8) **Ex Parte Communication:** When an application or other request is placed on the agenda for a regular or special meeting it becomes a matter within the jurisdiction of the Commission and subject to the legal restraints on ex parte communications with

Commissioners. Undisclosed ex parte communications could compromise the fair and open purposes of these rules for the transaction of Commission business. If a Commissioner believes he/she has been contacted ex parte on a matter pending before the Commission, it is his/her obligation so to inform the other members of the Commission prior to the matters consideration and, if the ex parte communication was in writing, submit it as part of the record for the meeting.

- 9) **Conflicts of Interest:** Applications, presented to the Commission for decision may, on occasion, present the potential for conflicts of interest for individual Commissioners. A conflict could exist if a decision conferred a direct or indirect financial or personal benefit to a member of the Commission or benefit someone with whom the Commissioner has a business or kinship relationship.

It is the obligation of each Commissioner to declare for the record any instance where a conflict of interest or the appearance of a conflict of interest might exist with regard to matters pending before the Commission. Such Commissioner must then withdraw from further deliberations, including participation in discussion, and any decision making and should leave the room where the hearing is taking place.

- 10) **Site Visits:** The Commission may conduct properly noticed meetings for the purpose of site visits. The objective of the site visit is to provide Commissioners with a geographic orientation. Members of the public may attend, however, no public testimony, substantive discussion of the issues or exchange of evidence will be allowed. In addition, ex parte communication with members of the Commission is prohibited.

- a. Site visits will be publicly noticed and will normally take place on the day of the planning & zoning commission meeting giving sufficient time to arrive back at the Community Center at least 15 minutes before the start of the commission meeting.
- b. Commissioners should either travel to the site at the same time, if present at the site before the visit begins particular care should be taken to ensure that they maintain their objectivity. Hospitality or lifts should not be accepted from applicant or objector as this could be seen to show favor.
- c. Members may ask the Town Administrator (or their designee) for factual clarification of any planning matter relating to the proposal or surrounding land, for example, distances to adjoining or objectors' properties. At no time during the site visit should commissioners debate or comment on the planning merits of a proposal.
- d. The Commission attendance at the site visits will be noted in the minutes.

- 11) **Amendments to these Rules:** These rules may be amended at any regular or special meeting by vote of a majority of the entire membership of the Commission, provided that a written copy of the proposed amendment has been distributed to each member of the commission seven days in advance of such meeting.

PASSED AND ADOPTED THIS 10th day of May, 2016

Dan Thompson, Vice Chairman

ATTEST:

Cheryl Huppertz, Secretary